

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KYLE ALEXANDER FREEMAN,  
Plaintiff,  
v.  
DUDLEY, et al.,  
Defendants.

No. 2:24-cv-01258-DAD-AC (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
THIS ACTION

(Doc. No. 12)

Plaintiff Kyle Alexander Freeman is a former state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 25, 2024, the assigned magistrate judge dismissed the operative complaint and granted plaintiff leave to amend within thirty (30) days from the date of service of that order. (Doc. No. 8.) Specifically, the magistrate judge found that plaintiff has not made specific factual allegations regarding the actions of defendants Singh, Rivera, Moreno, Hernandez, Alvares, or Chao, and therefore fails to state a cognizable claim for relief against those defendants. (*Id.* at 4.) The magistrate judge further found that plaintiff has not stated a claim for excessive force in violation of the Eighth Amendment against defendants Dudley and Tardd because plaintiff does not allege what specific, individual conduct defendants Dudley and Tardd participated in which

1 constituted the excessive use of force. (*Id.*) The magistrate judge also found that plaintiff does  
2 not state a claim for deliberate indifference to serious medical needs in violation of the Eighth  
3 Amendment because plaintiff does not allege what serious medical need he has or what harm that  
4 need could have caused him. (*Id.* at 5.) On August 13, 2024, the magistrate judge found that  
5 plaintiff had not filed an amended complaint and ordered that plaintiff file an amended complaint  
6 within twenty-one (21) days from the date of service of that order. (Doc. No. 11.) To date,  
7 plaintiff has not filed an amended complaint.

8 Accordingly, on September 23, 2024, the assigned magistrate judge issued findings and  
9 recommendations recommending that plaintiff's complaint be dismissed in its entirety for failure  
10 to state a claim and failure to comply with court orders. (Doc. No. 12 at 1.) The pending findings  
11 and recommendations were served upon plaintiff and contained notice that any objections thereto  
12 were to be filed within fourteen (14) days of the date of service. (*Id.* at 2.) To date, plaintiff has  
13 not filed any objections to those findings and recommendations and the time in which to do so has  
14 passed.

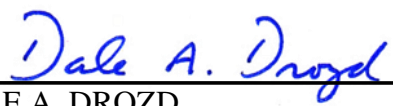
15 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a  
16 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the  
17 pending findings and recommendations are supported by the record and proper analysis.

18 Accordingly,

- 19 1. The findings and recommendations issued on September 23, 2024 (Doc. No. 12)  
20 are adopted in full;
- 21 2. The operative complaint (Doc. No. 1) is dismissed, without further leave to amend;  
22 and
- 23 3. The Clerk of the Court is directed to close this case.

24 IT IS SO ORDERED.

25 Dated: **December 11, 2024**

26   
27 DALE A. DROZD  
28 UNITED STATES DISTRICT JUDGE